IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2026 of 2005

Between:

1 The Union of India, through the Secretary,

Ministry of Defence, DHQ P.O. New Delhi
2 The Scientific Advisor to Raksha Mantri

and Director General Research & Development
DRDO'B' Wing, Sena Nhavan DHQPO., New Delhi
3 The Director Research Centre Imarat

Vignayana kancha P.O., Hyderabad-500 069

..... PETITIONERS

AND

Shri MVR Gopal,

Store Assistant 'A' C/o Research Centre Imarat

(RCI) Vignayana Kancha P.O.,
Hyderabad-500 069

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue preferably a Writ in the nature of Certiorari or any appropriate Writ, order or direction, calling for the records pertaining to O.A. No. 1602 of 2003 dated 29 September, 2004 on the file of Hon'ble Central Administrative Tribunal Hyderabad Bench, Hyderabad as illegal, arbitrarty, contrary to law and unconstitutional and declare the same as void ab-initio, null and void and nonest in the eye of law and

quash the same or pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

Counsel for the Respondent: Mr.Siva for S.R

The Court made the following :

ORDER: (per GB,J)

This writ petition is filed assailing the order dated 29-09-2004 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1602 of 2003.

2. The matter relates to the recruitment to the post of Senior Technical Assistant “A”.

3. According to the notification issued by the Government, the qualification required for the said post is post graduation in Science/Engineering from universities and institutes of the Country. It was also specifically stated that the candidates possessing M.Sc, Ph.D., B.Tech., B.E. degrees etc., shall not be considered for recruitment. Challenging the said provision, the respondent herein filed O.A. before the Tribunal. The Tribunal, after considering the matter, allowed the O.A., against which, the present writ petition has been filed by the Central Government.

4. The learned Standing Counsel for the Central Government submits that the order passed by the Tribunal is wholly illegal and contrary to law. He further submits that a specific mention was made in the Notification that the candidates possessing higher qualification shall not be considered for recruitment. Admittedly, the respondent possessed M.Sc. (Maths). Hence, the respondent herein is not eligible for appointment, if selected. But, however, before going into the short question, we directed the learned Standing Counsel to produce the result sheet of the respondent herein. If he is in the merit list, this court would be required to consider the case with reference to the higher qualification. However, the learned Standing Counsel produced the marks list and selection list, in which, it is stated that the respondent was not selected.

5. In view of the fact that the respondent was not selected on merit, we do not find it appropriate to consider the validity of the order passed by the Tribunal.

6. Under those circumstances, no further orders are necessary in this writ petition.

7. Accordingly, The writ petition is closed. However, the order passed by the Tribunal shall not be treated as precedent in other cases. No costs.

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G.BIKSHAPATHY, J

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P.S.NARAYANA, J

Date: 06-04-2005

Prv

To

1) 2 CD copies

2)1 CC to MR.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

3) The Registrar, Central Administrative Tribunal, Hyderabad.